

EXHIBIT 3

Mott, Thomas L.

From: Mervis, Michael T. <MMervis@proskauer.com>
Sent: Friday, September 24, 2021 8:08 PM
To: Mott, Thomas L.; Firestein, Michael A.; Stafford, Laura; 'Lizzie M. Portela Fernández'; Arturo J. Garcia-Sota; Mintz, Doug; Jennings, Taleah; Koff, Douglas; Nayuan Zouairabani; 'Alejandro J. Cepeda Diaz'; 'antionette.decamp@ey.com'
Cc: Dale, Margaret A.; Alonzo, Julia D.; Rappaport, Lary Alan; 'rcamara@ferraiouli.com'; Atara Miller; 'hburgo@cabprlaw.com'; Howard R. Hawkins, Jr.; Luis A. Oliver-Fraticelli; Robert S. Berezin; Jonathan D. Polkes; Maria E. Pico; Martin A. Sosland; James E. Bailey III; 'lsepulvado@smlawpr.com'; 'jroach@reedsmith.com'; 'dmonserrate@gmail.com'; 'alan.brilliant@dechert.com'; 'jrapisardi@omm.com'; 'Luis Marini'; 'Carolina Velaz Rivero'; 'Hermann Bauer (Hermann.Bauer@oneillborges.com)'; 'antionette.decamp@ey.com'; Rosen, Brian S.; Carmen D. Conde Torres; Luisa S. Valle Castro; 'Pavel, Ashley'; 'Friedman, Peter'; 'Rapisardi, John J.'; 'McKeen, Elizabeth L.'; 'lmarini@mpmlawpr.com'; Barak, Ehud; 'cvelaz@mpmlawpr.com'; 'Roth, Joseph L.'; Jennings, Taleah; Prather, J. Eric; William Natbony; JOhring; Atara Miller; Adam M. Langley; Martin A. Sosland; Robert S. Berezin; 'Collins, Reed'; 'McGrath, Colin'; Mark C. Ellenberg; Howard R. Hawkins, Jr.; Thomas J. Curtin; Casey J. Servais; Levitan, Jeffrey W.; Triggs, Matthew; Gillespie, Noah; Cooper, Scott P.; Alonzo, Julia D.
Subject: RE: Plan Confirmation - Deposition Notices

Tom et al.

-Mr. Wolfe is available during the morning of 10/4
-Mr. Shah is available to be deposed in the morning of 10/6 (and can start at 8 AM), pending your delivery of a subpoena to Mr. Joseph
-Ms. Jaresko is available on 10/6
-Ms. Murray is available on 10/13

We do not accept the DRA parties' contention that they are entitled to take Ms. Murray's deposition prior to 10/8/21.

Michael T. Mervis
Member of the Firm

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From: Mervis, Michael T.
Sent: Friday, September 24, 2021 5:49 PM

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Cc: Dale, Margaret A. <mdale@proskauer.com>; Alonzo, Julia D. <jalonzo@proskauer.com>; Rappaport, Lary Alan <LRappaport@proskauer.com>; rcamara@ferraiouli.com; Atara Miller <amiller@milbank.com>; hburgo@cabprlaw.com; Howard R. Hawkins, Jr. <howard.hawkins@cwt.com>; Luis A. Oliver-Fraticelli <loliver@amgprlaw.com>; Robert S. Berezin <robert.berezin@weil.com>; Jonathan D. Polkes <jonathan.polkes@weil.com>; Maria E. Pico <mpico@rexachpico.com>; Martin A. Sosland <martin.sosland@butlersnow.com>; James E. Bailey III <jeb.bailey@butlersnow.com>; lsepulvado@smlawpr.com; jroach@reedsmith.com; dmonserrate@gmail.com; alan.brilliant@dechert.com; jrapisardi@omm.com; Luis Marini <imarini@mpmlawpr.com>; Carolina Velaz Rivero <cvelaz@mpmlawpr.com>; Hermann Bauer (Hermann.Bauer@oneillborges.com) <Hermann.Bauer@oneillborges.com>; antionette.decamp@ey.com; Rosen, Brian S. <brosen@proskauer.com>; Carmen D. Conde Torres <condecarmen@condelaw.com>; Luisa S. Valle Castro <ls.valle@condelaw.com>; Pavel, Ashley <apavel@omm.com>; Friedman, Peter <pfriedman@omm.com>; Rapisardi, John J. <jrapisardi@omm.com>; McKeen, Elizabeth L. <emckeen@omm.com>; imarini@mpmlawpr.com; Barak, Ehud <ebarak@proskauer.com>; cvelaz@mpmlawpr.com; Roth, Joseph L. <joeroth@omm.com>; Jennings, Taleah <Taleah.Jennings@srz.com>; Prather, J. Eric <Eric.Prather@srz.com>; William Natbony <bill.natbony@cwt.com>; Jonathan Ohring <johring@milbank.com>; Atara Miller <amiller@milbank.com>; Adam M. Langley <adam.langley@butlersnow.com>; Martin A. Sosland <martin.sosland@butlersnow.com>; Robert S. Berezin <robert.berezin@weil.com>; Collins, Reed <Reed.Collins@weil.com>; McGrath, Colin <Colin.McGrath@weil.com>; Mark C. Ellenberg <mark.ellenberg@cwt.com>; Howard R. Hawkins, Jr. <howard.hawkins@cwt.com>; Thomas J. Curtin <thomas.curtin@cwt.com>; Casey J. Servais <casey.servais@cwt.com>; Levitan, Jeffrey W. <JLevitan@proskauer.com>; Triggs, Matthew <MTriggs@proskauer.com>; Gillespie, Noah <Noah.Gillespie@srz.com>

Subject: RE: Plan Confirmation - Deposition Notices

Tom – We obviously don't agree the call was "meant to arrange globally a schedule for the expected depositions." We also disagree with the premise of your 10/6 deadline date. That said, we are convening internally in a little while and hope to provide dates for one or more of the three witnesses you've stressed thereafter.

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Sent: Friday, September 24, 2021 2:30 PM

To: Firestein, Michael A. <MFirestein@proskauer.com>; Stafford, Laura <lstafford@proskauer.com>; Lizzie M. Portela Fernández <Lpf@mcvpr.com>; Arturo J. Garcia-Sota <ajg@mcvpr.com>; Douglas S. Mintz <douglas.mintz@srz.com>; Jennings, Taleah <Taleah.Jennings@srz.com>; Douglas Koff <douglas.koff@srz.com>; Nayuan Zouairabani

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Triggs, Matthew <MTriggs@proskauer.com>; Gillespie, Noah <Noah.Gillespie@srz.com>
Subject: RE: Plan Confirmation - Deposition Notices

This email originated from outside the Firm.

Michael –

We appreciate everyone's ability to participate on the call yesterday. However, given that the call was meant to arrange globally a schedule for the expected depositions, it was surprising that the FOMB was unable to provide a single firm date for scheduling. Waiting until Monday, as the FOMB suggests, for information on Mr. Shah, Ms. Murray, and Dr. Wolfe's availability is unacceptable, especially given that FOMB has been aware since September 13 that the DRA Parties intended to depose Mr. Shah today, with depositions of Ms. Murray and Dr. Wolfe to follow on September 27 and 28. We also very much need firm dates for all of our other depositions.

If you are unable to provide acceptable firm dates for the depositions of Mr. Shah, Ms. Murray, and Dr. Wolfe (at a minimum) by the end of the day, please let us know so that we can set up a time on Monday to bring the matter to attention of Judge Dein. As discussed on the call, we will work together on the logistics of the depositions, but, given the time constraints, we need to set firm dates as soon as possible to allow depositions to commence early next week.

Below is a list of the deposition notices the DRA Parties have served, as well as the original date for which each deposition was noticed, the proposed new date for each deposition, and our notes concerning scheduling. We'd appreciate it if all those who are coordinating on behalf of these witnesses and any others who intend to participate in the depositions provide confirmation of whether the DRA Parties' dates work, and if not, propose alternative date ranges during which you are available.

Deponent	Original Noticed Date	Proposed New Date (subject to witness availability)	Notes on Scheduling
Marti Murray	9/27/21	9/28/21 (morning)	This deposition must occur on or before 10/6/21, unless the Court

			agrees to extend the rebuttal expert report deadline.
Andrew Wolfe	9/28/21	9/28/21 (afternoon)	This deposition must occur on or before 10/6/21, unless the Court agrees to extend the rebuttal expert report deadline.
Ojas Shah	9/24/21	9/29/21	This deposition must occur on or before 10/6/21, unless the Court agrees to extend the rebuttal expert report deadline.
Gaurav Malhotra	9/27/21	N/A	The scheduling of this deposition requires further discussion.
Jay Herriman	9/28/21	N/A	The scheduling of this deposition requires further discussion.
Timothy Ahlberg	10/1/21	10/1/21	
Fernando Batlle	9/30/21	10/4/21 (morning)	
Jorge A. Clivillés-Díaz	9/30/21	10/4/21 (afternoon)	
Natalie Jaresko	9/29/21	10/5/21	
Rule 30(b)(6) of FOMB	10/1/21	10/7/21	
Rule 30(b)(6) of AAFAF	10/4/21, also noticed for 10/11/21 by Monolines	10/8/21	
Rule 30(b)(6) of each of the Monolines	10/5/21 – 10/8/21	N/A	The DRA Parties have withdrawn these deposition notices, without prejudice to renew them.

Thanks,
Tom

Thomas L. Mott
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From: Firestein, Michael A. <MFirestein@proskauer.com>

Sent: Tuesday, September 21, 2021 11:15 AM

To: Mott, Thomas L. <Thomas.Mott@srz.com>; Stafford, Laura <lstafford@proskauer.com>; Lizzie M. Portela Fernández <Lpf@mcvpr.com>; Arturo J. Garcia-Sota <ajg@mcvpr.com>; Mintz, Doug <Douglas.Mintz@srz.com>; Koff, Douglas <Douglas.Koff@srz.com>; Nayuan Zouairabani <nzt@mcvpr.com>; Alejandro J. Cepeda Diaz <Ajc@mcvpr.com>; antionette.decamp@ey.com

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Subject: RE: Plan Confirmation - Deposition Notices

Thomas, we think it makes sense to have some kind of call to try and arrange more globally a schedule for the expected depositions—perhaps using this address list as a base. A few things to consider in advance of that call—

1. There are many depositions noticed, and potentially lots of folks who may wish to attend whether they ask questions or not. And, some of the notices had dates, and others did not. Further, with a 7 hour limit and often more than one party seeking to ask questions, we think coordination will help time allocation as well, which will be expected in advance of the depositions. Consider whether once the main players have an agreed schedule (if we can), posting some form of informative motion letting those others who wish to attend know what it is. Some of those folks may not even be on this email chain.
2. Further, there is more limited time for fact witnesses and some extra days for experts—so that should factor in as well to the scheduling.
3. Given that you want to hold some of the depositions in abeyance (and others may want to as well), the notion of a global schedule makes even more sense.

Consider suggesting some times for having such a call and we can coordinate on our side as well. I ask the same of other addressees on this email to examine their own calendars, but let's try and avoid having 50 responses to this one if we can. In other words, consider caucusing internally with your respective folks, so we can keep this organized if we can. We will endeavor to do this expeditiously.

Michael A. Firestein

Partner and Vice-Chair, Litigation Department

Proskauer

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From: Mott, Thomas L. <Thomas.Mott@srz.com>

Sent: Tuesday, September 21, 2021 7:32 AM

To: Stafford, Laura <lstafford@proskauer.com>; Lizzie M. Portela Fernández <Lpf@mcvpr.com>; Arturo J. Garcia-Sota <ajg@mcvpr.com>; Douglas S. Mintz <douglas.mintz@srz.com>; Douglas Koff <douglas.koff@srz.com>; Nayuan Zouairabani <nzt@mcvpr.com>; Alejandro J. Cepeda Diaz <Ajc@mcvpr.com>; antionette.decamp@ey.com

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This email originated from outside the Firm.

Thanks Laura –

We have copied Ms. DeCamp here and re-attached Mr. Malhotra's deposition notice served September 13, 2021. Please be aware that we would like to hold the deposition of Mr. Malhotra in abeyance until we've received responses to our most recent discovery requests to the FOMB and AAFAF.

For all other witnesses besides Mr. Malhotra that were designated by FOMB and noticed for depositions by the DRA Parties (Mr. Shah, Ms. Murray, Dr. Wolfe, Mr. Herriman, and Ms. Jaresko), we ask that FOMB counsel please confirm as soon as possible that Proskauer will be coordinating with the DRA Parties on behalf of each with respect to the upcoming depositions. Additionally, please confirm as soon as possible that the scheduled deposition dates and times work for all such witnesses and counsel, with all such depositions to be held virtually.

Please be advised that, as with Mr. Malhotra, we would like to hold the deposition of Mr. Herriman in abeyance until we've received responses to our most recent discovery requests to the FOMB and AAFAF.

Additionally, with respect to the deposition of Mr. Shah scheduled for Friday, please be aware that Mr. Shah will be expected to answer questions about (i) any matters discussed in any report submitted McKinsey in these proceedings, or in any materials supporting such report, (ii) any report, testimony, or other submission by Mr. Shah in any other

proceedings, and (iii) any other matters bearing on Mr. Shah's education, professional background, and/or his qualifications.

Thanks,

Thomas L. Mott

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From: Stafford, Laura <lstafford@proskauer.com>

Sent: Sunday, September 19, 2021 2:49 PM

To: Lizzie M. Portela Fernández <Lpf@mcvpr.com>; Arturo J. Garcia-Sota <ajg@mcvpr.com>; Mintz, Doug <Douglas.Mintz@srz.com>; Koff, Douglas <Douglas.Koff@srz.com>; Nayuan Zouairabani <nzt@mcvpr.com>; Alejandro J. Cepeda Diaz <Ajc@mcvpr.com>; Mott, Thomas L. <Thomas.Mott@srz.com>

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Subject: RE: Plan Confirmation - Deposition Notices

-CAUTION: EXTERNAL EMAIL from lstafford@proskauer.com

Do not click any links or open any attachments unless you are expecting the email and know the content is safe.

Lizzie –

Please be advised that your notice of deposition for Mr. Malhotra must be served on EY's in-house counsel, Antoinette DeCamp (antionette.decamp@ey.com).

Laura Stafford

Associate
(she/her/hers)

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Counsel,

Attached, notices of depositions for Ojas Shah, Gaurav Malhotra, Jay Herriman, Jorge A. Clivillés-Díaz, Natalie A. Jaresko, Fernando Batlle, and Rule 30(B)(6) deposition notices for AAFAF and FOMB.

Best,



Lizzie Portela Fernández ■ Capital Member ■
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